

# EXHIBIT D

**Yohai, David**

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**From:** Szewczyk, Greg <GSzewczyk@stblaw.com>  
**Sent:** Saturday, November 17, 2012 12:05 PM  
**To:** Yohai, David  
**Cc:** Ostrager, Barry R; Tsekerides, Theodore  
**Subject:** RE: Dish

We agree to the same on Chipty.

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**From:** Yohai, David [<mailto:david.yohai@weil.com>]  
**Sent:** Saturday, November 17, 2012 10:10 AM  
**To:** Szewczyk, Greg  
**Cc:** Ostrager, Barry R; Tsekerides, Theodore  
**Subject:** Re: Dish

Assuming you agree to same on chipty yes.

Sent from my iPhone

On Nov 17, 2012, at 10:06 AM, "Szewczyk, Greg" <[GSzewczyk@stblaw.com](mailto:GSzewczyk@stblaw.com)> wrote:

David,

Is you position the same with respect to Sidak - i.e., his testimony will be strictly limited to damages and he will not give any testimony on ultimate issues of liability?

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**From:** Yohai, David <[david.yohai@weil.com](mailto:david.yohai@weil.com)>  
**To:** Ostrager, Barry R; Szewczyk, Greg  
**Cc:** Tsekerides, Theodore <[theodore.tsekerides@weil.com](mailto:theodore.tsekerides@weil.com)>  
**Sent:** Sat Nov 17 09:29:10 2012  
**Subject:** Dish

This is to advise you that if stengel testifies he will not testify to the ultimate issue unless your witnesses do something to open the door to such testimony.

Sent from my iPhone

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